

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against:

STEPHANIE KAY PERO
A.K.A. STEPHANIE KAY PEW
A.K.A. STEPHANIE KAY CLOCKSIN
2750 Edgeview Court
Newbury Park, CA 91320

Registered Nurse License No. 465444

Respondent

Case No. 2012-396

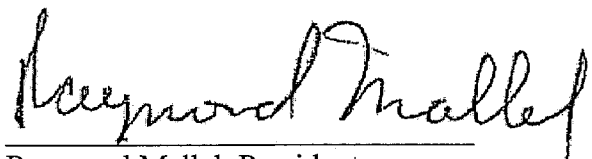
OAH No. 2012020697

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 19, 2013.**

IT IS SO ORDERED **March 21, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
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Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the First Amended Accusation
11 Against:

12 **STEPHANIE KAY PERO AKA**
13 **STEPHANIE KAY PEW AKA**
14 **STEPHANIE KAY CLOCKSIN**
2750 Edgeview Ct.
Newbury Park, CA 91320
Registered Nursing License No. 465444

15
16 Respondent.

Case No. 2012-396

OAH No. 2012020697

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:
20

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
23 Registered Nursing (Board). She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Linda L. Sun, Deputy Attorney General.

26 2. Respondent Stephanie Kay Pero, aka Stephanie Kay Pew, aka Stephanie Kay
27 Clocksin (Respondent) is represented in this proceeding by attorney Gary Wittenberg, Esq.,
28 whose address is: 1901 Avenue of the Stars, Suite 1750, Los Angeles, CA 90067.

1 3. On or about April 30, 1991, the Board issued Registered Nursing License No. 465444
2 to Respondent. The Registered Nursing License was in full force and effect at all times relevant
3 to the charges brought in First Amended Accusation No. 2012-396 and will expire on March 31,
4 2013, unless renewed.

5 **JURISDICTION**

6 4. First Amended Accusation No. 2012-396 was filed before the Board and is currently
7 pending against Respondent. The First Amended Accusation and all other statutorily required
8 documents were properly served on Respondent on May 25, 2012. Respondent timely filed her
9 Notice of Defense contesting the First Amended Accusation.

10 5. A copy of First Amended Accusation No. 2012-396 is attached as Exhibit A and
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in First Amended Accusation No. 2012-396 Respondent has also
15 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
16 Settlement and Disciplinary Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the First Amended Accusation; the right to be
19 represented by counsel at her own expense; the right to confront and cross-examine the witnesses
20 against her; the right to present evidence and to testify on her own behalf; the right to the issuance
21 of subpoenas to compel the attendance of witnesses and the production of documents; the right to
22 reconsideration and court review of an adverse decision; and all other rights accorded by the
23 California Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 **CULPABILITY**

27 9. Respondent admits the truth of each and every charge and allegation in First
28 Amended Accusation No. 2012-396.

1 10. Respondent agrees that her Registered Nursing License is subject to discipline and
2 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
3 below.

4 **CIRCUMSTANCES IN MITIGATION**

5 11. With regard to the Second Cause for Discipline, Respondent asserts that she did
6 not intentionally provide false statement or information in connection with her online license
7 renewal application.

8 **CONTINGENCY**

9 12. This stipulation shall be subject to approval by the Board of Registered Nursing.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
11 Registered Nursing may communicate directly with the Board regarding this stipulation and
12 settlement, without notice to or participation by Respondent or her counsel. By signing the
13 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
20 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
21 effect as the originals.

22 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
27 writing executed by an authorized representative of each of the parties.
28

1 3. **Report in Person.** Respondent, during the period of probation, shall appear in
2 person at interviews/meetings as directed by the Board or its designated representatives.

3 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
4 practice as a registered nurse outside of California shall not apply toward a reduction of this
5 probation time period. Respondent's probation is tolled, if and when she resides outside of
6 California. Respondent must provide written notice to the Board within 15 days of any change of
7 residency or practice outside the state, and within 30 days prior to re-establishing residency or
8 returning to practice in this state.

9 Respondent shall provide a list of all states and territories where she has ever been licensed
10 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
11 information regarding the status of each license and any changes in such license status during the
12 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
13 license during the term of probation.

14 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
15 or cause to be submitted such written reports/declarations and verification of actions under
16 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
17 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
18 Respondent shall immediately execute all release of information forms as may be required by the
19 Board or its representatives.

20 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
21 state and territory in which she has a registered nurse license.

22 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
23 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
24 6 consecutive months or as determined by the Board.

25 For purposes of compliance with the section, "engage in the practice of registered nursing"
26 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
27 non-direct patient care position that requires licensure as a registered nurse.

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1 The Board may require that advanced practice nurses engage in advanced practice nursing
2 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

3 If Respondent has not complied with this condition during the probationary term, and
4 Respondent has presented sufficient documentation of her good faith efforts to comply with this
5 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
6 extension of Respondent's probation period up to one year without further hearing in order to
7 comply with this condition. During the one year extension, all original conditions of probation
8 shall apply.

9 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
10 prior approval from the Board before commencing or continuing any employment, paid or
11 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
12 performance evaluations and other employment related reports as a registered nurse upon request
13 of the Board.

14 Respondent shall provide a copy of this Decision to her employer and immediate
15 supervisors prior to commencement of any nursing or other health care related employment.

16 In addition to the above, Respondent shall notify the Board in writing within seventy-two
17 (72) hours after she obtains any nursing or other health care related employment. Respondent
18 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
19 separated, regardless of cause, from any nursing, or other health care related employment with a
20 full explanation of the circumstances surrounding the termination or separation.

21 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
22 Respondent's level of supervision and/or collaboration before commencing or continuing any
23 employment as a registered nurse, or education and training that includes patient care.

24 Respondent shall practice only under the direct supervision of a registered nurse in good
25 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
26 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
27 approved.

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Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

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1 Respondent shall work only on a regularly assigned, identified and predetermined
2 worksite(s) and shall not work in a float capacity.

3 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
4 request documentation to determine whether there should be restrictions on the hours of work.

5 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll in
6 and successfully complete a course(s) relevant to the practice of registered nursing no later than
7 six months prior to the end of her probationary term.

8 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
9 Respondent shall submit to the Board the original transcripts or certificates of completion for the
10 above required course(s). The Board shall return the original documents to Respondent after
11 photocopying them for its records.

12 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
13 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
14 amount of \$3,100. Respondent shall be permitted to pay these costs in a payment plan approved
15 by the Board, with payments to be completed no later than three months prior to the end of the
16 probation term.

17 If Respondent has not complied with this condition during the probationary term, and
18 Respondent has presented sufficient documentation of her good faith efforts to comply with this
19 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
20 extension of Respondent's probation period up to one year without further hearing in order to
21 comply with this condition. During the one year extension, all original conditions of probation
22 will apply.

23 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
24 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
25 and impose the stayed revocation of Respondent's license.

26 If during the period of probation, an accusation or petition to revoke probation has been
27 filed against Respondent's license or the Attorney General's Office has been requested to prepare
28 an accusation or petition to revoke probation against Respondent's license, the probationary

1 period shall automatically be extended and shall not expire until the accusation or petition has
2 been acted upon by the Board.

3 **13. License Surrender.** During Respondent's term of probation, if she ceases practicing
4 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,
5 Respondent may surrender her license to the Board. The Board reserves the right to evaluate
6 Respondent's request and to exercise its discretion whether to grant the request, or to take any
7 other action deemed appropriate and reasonable under the circumstances, without further hearing.
8 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be
9 subject to the conditions of probation.

10 Surrender of Respondent's license shall be considered a disciplinary action and shall
11 become a part of Respondent's license history with the Board. A registered nurse whose license
12 has been surrendered may petition the Board for reinstatement no sooner than the following
13 minimum periods from the effective date of the disciplinary decision:

14 (1) Two years for reinstatement of a license that was surrendered for any reason other
15 than a mental or physical illness; or

16 (2) One year for a license surrendered for a mental or physical illness.

17 **14. Mental Health Examination.** Respondent shall, within 45 days of the effective date
18 of this Decision, have a mental health examination including psychological testing as appropriate
19 to determine her capability to perform the duties of a registered nurse. The examination will be
20 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by
21 the Board. The examining mental health practitioner will submit a written report of that
22 assessment and recommendations to the Board. All costs are the responsibility of Respondent.
23 Recommendations for treatment, therapy or counseling made as a result of the mental health
24 examination will be instituted and followed by Respondent.

25 If Respondent is determined to be unable to practice safely as a registered nurse, the
26 licensed mental health care practitioner making this determination shall immediately notify the
27 Board and Respondent by telephone, and the Board shall request that the Attorney General's
28 Office prepare an accusation or petition to revoke probation. Respondent shall immediately cease

practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

15. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Gary Wittenberg, Esq.. I understand the stipulation and the effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 11 / 2012

Stephanie Kay Pew
STEPHANIE KAY PEROW AKA STEPHANIE KAY
PEW AKA STEPHANIE KAY CLOCKSIN
Respondent

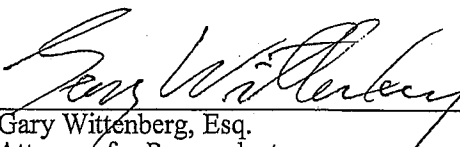
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1 I have read and fully discussed with Respondent Stephanie Kay Pero aka Stephanie Kay
2 Pew aka Stephanie Kay Clocksin the terms and conditions and other matters contained in the
3 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4
5 DATED:

11/20/12


Gary Wittenberg, Esq.
Attorney for Respondent

7
8 **ENDORSEMENT**

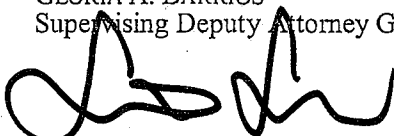
9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
10 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
11 Affairs.

12 Dated:

11/20/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General


LINDA L. SUN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 2012-396

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
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300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

13 **STEPHANIE KAY PERO AKA**
14 **STEPHANIE KAY PEW AKA**
15 **STEPHANIE KAY CLOCKSIN**
16 **2750 Edgeview Ct.**
17 **Newbury Park, CA 91320**

16 **Registered Nursing License No. 465444**

17 Respondent.

Case No. 2012-396

FIRST AMENDED ACCUSATION

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation
21 solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing
22 (Board), Department of Consumer Affairs.

23 2. On or about April 30, 1991, the Board issued Registered Nursing License No.
24 465444 to Stephanie Kay Pero, aka Stephanie Kay Pew, aka Stephanie Kay Clocksin
25 (Respondent). The Registered Nursing License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on March 31, 2013, unless renewed.

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1 a. On or about November 10, 2009, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Penal Code section 666 [petty theft with
3 priors], in the criminal proceeding entitled *The People of the State of California v. Stephanie Kay*
4 *Pero* (Super. Ct. Los Angeles County, 2009, No. SA070202). The Court sentenced Respondent
5 to one day in jail, and placed Respondent on probation for a period of 36 months with certain
6 terms and conditions. The circumstances surrounding the conviction are that on or about January
7 18, 2009, Respondent stole merchandise from a Costco Store.

8 b. On or about June 30, 2009, after pleading nolo contendere, Respondent was convicted
9 of one misdemeanor count of violating Penal Code section 484(a) [petty theft], in the criminal
10 proceeding entitled *The People of the State of California v. Stephanie Kay Pero* (Super. Ct.
11 Ventura County, 2009, No. 2009020832). The Court sentenced Respondent to one day in jail and
12 placed her on probation for a period of 36 months with certain terms and conditions. The
13 circumstances surrounding the conviction are that on or about June 1, 2009, Respondent stole
14 merchandise from the Saks Fifth Avenue-Off Fifth Department Store in Camarillo, California.

15 c. On or about January 22, 2009, after pleading nolo contendere, Respondent was
16 convicted of one misdemeanor count of violating Penal Code section 666 [petty theft with priors],
17 in the criminal proceeding entitled *The People of the State of California v. Stephanie Kay Pero*
18 (Super. Ct. Los Angeles County, 2009, No. LA059134). The Court sentenced Respondent to one
19 day in jail and placed her on probation for a period of 36 months with certain terms and
20 conditions. The circumstances surrounding the conviction are that on or about May 29, 2008,
21 Respondent stole merchandise from the Sephora Store in Topanga, California.

22 d. On or about November 29, 2007, after pleading no contest, Respondent was
23 convicted of one misdemeanor count of violating Penal Code section 487(a) [grand theft], in the
24 criminal proceeding entitled *The People of the State of California v. Stephanie K. Pero* (Super.
25 Ct. Los Angeles County, 2007, No. 7PY05464). The Court sentenced Respondent to one day in
26 jail, and placed her on 24 months probation with certain terms and conditions, including
27 completion of parenting classes and payment of fines totaling \$170. The circumstances
28 surrounding the conviction are that on or about September 7, 2007, Respondent stole merchandise

1 concealed in a stroller from the Bloomingdales Department Store in Sherman Oaks, California.
2 Upon her arrest, she admitted to the officers that she also stole merchandise from the Gap Store
3 earlier.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Provide False Information)**

6 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (e),
7 in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent
8 provided false statement or information in connection with her application for issuance of a
9 certificate or license. The circumstances are as follows:

10 a. On or about February 8, 2011, Respondent completed an online license renewal
11 application in which she answered "NO" to the question: "Since You Last Renewed Your
12 License, Have You Had Any License Disciplined By A Government Agency Or Other
13 Disciplinary Body; Or, Have You Been Convicted Of Any Crime In Any State, The USA And Its
14 Territories, Military Court Or A Foreign Country?"

15 b. Since Respondent's last license renewal on or about March 27, 2009, Respondent was
16 convicted of two crimes. Complainant refers to and incorporates all the allegations contained in
17 paragraph 10 (a) and (b), as though set forth fully.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nursing License No. 465444, issued to Stephanie
22 Kay Pero, aka Stephanie Kay Pew, aka Stephanie Kay Clocksin;

23 2. Ordering Stephanie Kay Pero, aka Stephanie Kay Pew, aka Stephanie Kay Clocksin
24 to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant
25 to Business and Professions Code section 125.3; and

26 ///

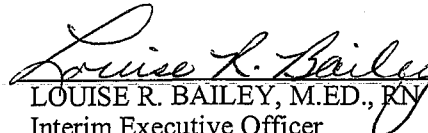
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3. Taking such other and further action as deemed necessary and proper.

DATED: May 25, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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